

REMARKS

Applicants thank Examiners Bradford and Sykes for conducting a personal interview on May 6, 2004. During the interview, agreement was reached that the pending claims are patentable over U.S. Patent No. 5,938,688 issued to Schiff ("Schiff"). The Interview Summary provided by Examiner Bradford is enclosed.

Claims 124-167 are presently pending in this application. Claims 124 and 143 have been amended in exact accordance with the agreement reached in the personal interview on May 6, 2004.

A. Response to Section 102 Rejection-Schiff

Claims 124-126, 131, 132, 136-145, 150, 151 and 155-164 were rejected under Section 102 over Schiff. Claim 124, at line 5, has been amended to replace "comprising a region of" with "at." The phrase "selecting a stimulation site at a cortex" in claim 124 is not limited to implanting an electrode directly "on" the cortex, but rather it also includes selecting a stimulation site adjacent to the pia mater and/or the dura surrounding the cortex. Claim 143, at line 6, has been amended to insert "the cortex at" before "the stimulation site." The phrase "directly to the cortex" in claim 143 is not limited to placing the electrode "on" the cortex, but rather it means the stimulation (i.e., the electrical field) is applied to the cortex. As such, the electrode can be placed on the cortex, in the cortex, on dura and/or on the pia mater around the cortex.

The amendments to claims 124 and 143 correspond exactly to the language agreed upon in the personal interview on May 6, 2004, and therefore claims 124 and 143 are patentable over Schiff. Additionally, claims 125-142 and 144-164 are patentable over Schiff because they depend from either claim 124 or 143.

B. Response to Section 103 Rejection-Schiff

Claims 133-135 and 152-154 were rejected under Section 103 over Schiff. These claims depend from either claim 124 or 143, and thus these claims are patentable over Schiff for the reasons discussed in the personal interview on May 6, 2004.


Attorney Docket No. 337348020US1

C. Conclusion

In view of the foregoing, the pending claims comply with 35 U.S.C. § 112 and patentably define over the applied art. Applicants accordingly request reconsideration of the application and a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call at (206) 359-3258.

Respectfully submitted,
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